



General Assembly

Substitute Bill No. 5055

February Session, 2000

An Act Concerning Soil Amendments And Agricultural Liming Materials.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) As used in sections 1 to 12, inclusive, of this act:
- 2 (1) "Soil amendment" means any substance intended to improve the
3 physical or chemical characteristics of the soil, but does not mean
4 commercial fertilizers, agricultural liming materials, unmanipulated
5 animal manures, unmanipulated vegetable manures, compost,
6 pesticides or other material exempted by regulations adopted by the
7 commissioner under section 12 of this act;
- 8 (2) "Soil ingredient form" means the chemical compound of an
9 ingredient such as a salt, chelate, oxide, acid or similar descriptor or
10 the physical form of an ingredient;
- 11 (3) "Brand" means the trademark, product name or other specific
12 designation under which individual soil amendments are offered for
13 sale;
- 14 (4) "Bulk" means without packaging;
- 15 (5) "Distribute" means import, consign, produce, compound, mix or
16 blend soil amendments for use in this state, or to offer for sale, sell,
17 barter or otherwise supply soil amendments in this state;

18 (6) "Distributor" means any person who imports, consigns,
19 produces, compounds, mixes or blends soil amendments for use in this
20 state, or who offers for sale, sells, barter or otherwise supplies soil
21 amendments in this state;

22 (7) "Investigational allowance" means an accounting for variations
23 inherent in the taking, preparation and analysis of an official sample of
24 a soil amendment;

25 (8) "Label" means the display of all handwritten, printed or graphic
26 matter upon a container or statement accompanying a soil
27 amendment;

28 (9) "Labeling" means all handwritten, printed or graphic matter
29 upon or accompanying any soil amendment, or advertisements,
30 brochures, posters or television or radio announcements used in
31 promoting the sale of such amendment;

32 (10) "Minimum percentage" means that per cent of soil amending
33 ingredient required to be present in a product before the product will
34 be accepted for registration when the ingredient is mentioned in any
35 form or manner;

36 (11) "Official sample" means any sample of soil amendment taken
37 by the commissioner or an agent of the commissioner and that the
38 commissioner designates as official;

39 (12) "Per cent or percentage" means a portion of a soil amendment
40 by weight;

41 (13) "Person" means an individual, partnership, corporation, limited
42 liability company or association;

43 (14) "Registrant" means the person who registers soil amendments
44 under the provisions of section 2 of this act;

45 (15) "Soil amending ingredient" means a substance that will improve
46 the physical or chemical characteristics of soil so that it will be more

47 productive;

48 (16) "Weight" means the weight of material as offered for sale;

49 (17) "Director" means the director of the Connecticut Agricultural
50 Experiment Station; and

51 (18) "Commissioner" means the Commissioner of Agriculture.

52 Sec. 2. (NEW) (a) No person may distribute a soil amendment unless
53 it has been registered with the commissioner in accordance with the
54 provisions of this section. An application for registration shall be
55 submitted annually to the commissioner on the form furnished or
56 approved by the commissioner. Upon approval of the application by
57 the commissioner, a copy of the registration shall be furnished to the
58 applicant. Such registration shall expire on September thirtieth of the
59 following year. Each distributor shall submit to the commissioner a
60 copy of labels and any advertising literature for each soil amendment
61 with the registration application.

62 (b) A distributor shall not be required to register any brand of soil
63 amendment that is already registered under this section by another
64 person, providing the label does not differ in any respect.

65 (c) Before registering any soil amendment, the commissioner may
66 require evidence to substantiate the claims made for the soil
67 amendment and proof of the value and usefulness of the soil
68 amendment.

69 Sec. 3. (NEW) (a) The following information shall appear on the face
70 or display side of any package or container of soil amendment offered
71 for sale at retail, shall be in a readable and conspicuous printed form
72 and shall be affixed as a label: (1) The net weight of the product; (2) the
73 brand of the product; and (3) a guaranteed analysis of the product
74 including (A) all soil amending ingredients and any other ingredients,
75 (B) the purpose of the product, (C) directions for application, and (D)
76 the name and address of the soil amendment registrant.

77 (b) In the case of bulk shipments, the information required in
78 subsection (a) of this section may be in handwritten or printed form,
79 shall accompany delivery and shall be supplied to the purchaser at the
80 time of delivery.

81 (c) No information or statement may appear on any package, label
82 delivery slip or advertising matter that is false or misleading to the
83 purchaser as to the use, value, quality, analysis, type or composition of
84 the soil amendment.

85 (d) The commissioner may require proof of claims made for any soil
86 amendment. If no claims are made, the commissioner may require
87 proof of usefulness and value of the soil amendment. For evidence of
88 proof the commissioner may rely on experimental data, evaluations or
89 advice supplied from such sources as the director if design of the
90 experiment is related to conditions in this state under which the
91 product is to be used. The commissioner may accept or reject other
92 sources of proof deemed to be reliable as additional evidence in
93 evaluating soil amendments.

94 (e) No soil amending ingredient may be listed on labels or labeling
95 of soil amendments without the permission of the commissioner. The
96 commissioner may allow a soil amending ingredient to be listed on the
97 label or labeling if satisfactory supportive data is provided to
98 substantiate the value and usefulness of the soil amending ingredients.
99 The commissioner may rely on authoritative sources, including, but
100 not limited to, the director, for assistance in evaluating any such data
101 submitted. When a soil amending ingredient is permitted to be listed,
102 the presence of such ingredient in such amendment shall be detectable
103 by laboratory methods and shall be subject to inspection and analysis.
104 The director may prescribe methods and procedures of inspection and
105 analysis of the soil amending ingredient.

106 (f) The commissioner may allow labeling to include listing
107 proportions of ingredients in soil amendments by volume rather than
108 by weight.

109 Sec. 4. (NEW) No person may distribute a misbranded soil
110 amendment. A soil amendment shall be deemed to be misbranded if:
111 (1) Its labeling is false or misleading; (2) it is distributed under the
112 name of another soil amendment; (3) it is not labeled as required in
113 section 3 of this act and in accordance with regulations adopted under
114 section 12 of this act; (4) it purports to be, or is represented as, a soil
115 amendment, or is represented as containing a soil amendment that has
116 a definition in regulations adopted by the commissioner in accordance
117 with section 12 of this act unless it conforms to such definition; or (5) it
118 does not conform to the prescribed soil ingredient form, minimum
119 percentages, labeling or investigational allowances provided for in the
120 regulations adopted by the commissioner under section 12 of this act.

121 Sec. 5. (NEW) No person may distribute an adulterated soil
122 amendment. A soil amendment shall be deemed to be adulterated if:
123 (1) It contains any deleterious or harmful agent in sufficient amount to
124 render it injurious to beneficial plant or animal life when applied in
125 accordance with directions for use on its label, or if adequate warning
126 statements and directions for use that may be necessary to protect
127 beneficial plant or animal life are not on the label; (2) its composition
128 differs from that which it is purported to be in its labeling; or (3) it
129 contains unwanted crop or weed seed.

130 Sec. 6. (NEW) (a) The commissioner or the commissioner's designee
131 shall sample, inspect, make analyses of and test soil amendments
132 distributed within this state at any time and place to such extent as is
133 deemed necessary to determine whether such soil amendments are in
134 compliance with provisions of sections 2 to 12, inclusive, of this act.
135 The commissioner or the commissioner's designee may enter upon
136 any public or private premises or carriers during regular business
137 hours in order to have access to (1) soil amendments subject to the
138 provisions of sections 2 to 12, inclusive, of this act and any regulations
139 adopted under said sections, and (2) any records relating to the
140 distribution of such soil amendments.

141 (b) The methods of analysis and sampling shall be those approved

142 by the director and derived from authoritative sources including, but
143 not limited to, the Association of Official Analytical Chemists
144 International.

145 (c) The results of official analyses of soil amendments shall be
146 distributed by the director.

147 Sec. 7. (NEW) Any person who violates section 2 or 3 of this act shall
148 be assessed a civil penalty in an amount not to exceed one thousand
149 dollars for each violation. Any person who violates section 4 or 5 of
150 this act, or an order issued under section 8 of this act, shall be assessed
151 a civil penalty in an amount not less than one thousand dollars or
152 more than two thousand five hundred dollars for each violation. The
153 Attorney General, upon complaint of the commissioner, shall institute
154 a civil action to recover such penalty in the superior court for the
155 judicial district of Hartford. All actions brought by the Attorney
156 General shall have precedence in the order of trial as provided in
157 section 52-191 of the general statutes. The Superior Court, in an action
158 brought by the Attorney General at the request of the commissioner,
159 shall have jurisdiction to restrain a continuing violation of said sections
160 and to issue orders directing that the violation be corrected or
161 removed.

162 Sec. 8. (NEW) The commissioner may issue and enforce an order to
163 the owner or custodian of any lot of soil amendment to stop the sale or
164 use of such soil amendment and to hold such soil amendment at a
165 designated place when the commissioner finds such soil amendment is
166 being offered for sale in violation of any of the provisions of sections 2
167 to 12, inclusive, of this act. The commissioner may rescind such order
168 in writing when such provisions have been complied with and all costs
169 and expenses incurred in connection with complying with the order
170 have been paid. The distributor shall be entirely responsible for any
171 costs associated with such order and shall assume all liability for
172 distribution of amendments deemed adulterated.

173 Sec. 9. (NEW) The commissioner may cooperate with and enter into

174 agreements with governmental agencies of this state, other states,
175 agencies of the federal government and private associations in order to
176 carry out the purposes and provisions of sections 2 to 12, inclusive, of
177 this act.

178 Sec. 10. (NEW) The director shall publish at least annually a report
179 of the results of the analyses of any soil amendments analyzed under
180 section 6 of this act.

181 Sec. 11. (NEW) The commissioner may refuse registration of any
182 brand of soil amendment if the commissioner finds the brand of soil
183 amendment violates any provision of sections 2 to 12, inclusive, of this
184 act or regulations adopted under said sections. The commissioner may
185 cancel the registration of any brand of soil amendment upon
186 satisfactory evidence that the registrant has used fraudulent or
187 deceptive practices in complying with said sections or said regulations
188 provided no registration shall be revoked until the registrant has been
189 given the opportunity to appear for a hearing by the commissioner.

190 Sec. 12. (NEW) The Commissioner of Agriculture may adopt
191 regulations, in accordance with the provisions of chapter 54 of the
192 general statutes, to carry out the provisions of sections 2 to 11,
193 inclusive, of this act. Such regulations may include provisions
194 regarding sampling, analytical methods, form of soil amendments,
195 minimum percentages, soil amending ingredients, exempted materials,
196 investigational allowances and definitions. In the interest of
197 uniformity, the commissioner may adopt, in such regulations, unless
198 the commissioner determines that they are not appropriate to
199 conditions that exist in this state, the official definitions of soil
200 amendment ingredients, official regulations and the official soil
201 amendment terms adopted by the Association of American Plant Food
202 Control Officials and published in its official publication and may
203 incorporate by reference any other provisions that the association
204 adopts for the regulation of soil amendments.

205 Sec. 13. (NEW) As used in sections 14 to 24, inclusive, of this act:

206 (1) "Person" means an individual, partnership, corporation, limited
207 liability company or association;

208 (2) "Distribute" means to offer for sale, sell, exchange or barter, or to
209 supply, furnish or otherwise provide;

210 (3) "Distributor" means any person who distributes;

211 (4) "Agricultural liming material" means a product containing
212 calcium and magnesium compounds capable of and used for
213 neutralizing soil acidity;

214 (5) "Limestone" means an agricultural liming material consisting
215 essentially of calcium carbonate or a combination of calcium carbonate
216 with magnesium carbonate capable of neutralizing soil;

217 (6) "Burnt lime" means a calcined material composed chiefly of
218 calcium oxide in natural association with lesser amounts of
219 magnesium, and that is capable of slaking with water;

220 (7) "Hydrated lime" means a dry material made from burnt lime;

221 (8) "Marl" means a granular or loosely consolidated earthy material
222 composed largely of shell fragments and calcium carbonate
223 precipitated in ponds;

224 (9) "Industrial coproduct" means any industrial waste or by-product
225 containing calcium or calcium and magnesium in forms that will
226 neutralize soil acidity, including, but not limited to, such products
227 designated by prefixing the name of the industry or process by which
228 it is produced, such as gas-house lime, tanners' lime, acetylene lime-
229 waste, lime-kiln ashes or calcium silicate;

230 (10) "Brand" means the term, trademark, product name or other
231 specific designation under which individual agricultural liming
232 material is offered for sale;

233 (11) "Fineness" means the percentage by weight of the material

234 which will pass U.S. Standard sieves of specified sizes;

235 (12) "Ton" means a net weight of two thousand pounds avoirdupois;

236 (13) "Per cent" or "percentages" means a portion of an agricultural
237 liming material by weight;

238 (14) "Official sample" means a sample of agricultural liming material
239 taken by the commissioner or the commissioner's designee in
240 accordance with the provisions of section 17 of this act;

241 (15) "Bulk" means without packaging;

242 (16) "Label" means any handwritten or printed matter on or
243 attached to a package containing agricultural liming materials or on
244 the delivery ticket that accompanies bulk shipments;

245 (17) "Calcium Carbonate Equivalent (CCE)" means the acid
246 neutralizing capacity of a carbonate rock expressed as a percentage of
247 the acid neutralizing capacity of pure calcium carbonate;

248 (18) "Weight" means the weight of undried material as offered for
249 sale;

250 (19) "Director" means the director of the Connecticut Agricultural
251 Experiment Station; and

252 (20) "Commissioner" means the Commissioner of Agriculture.

253 Sec. 14. (NEW) (a) No person may distribute an agricultural liming
254 material unless it has been registered with the commissioner in
255 accordance with the provisions of this section. An application for
256 registration shall be submitted annually to the commissioner on the
257 form furnished or approved by the commissioner. Upon approval of
258 the application by the commissioner, a copy of the registration shall be
259 furnished to the applicant. Such registration shall expire on June
260 thirtieth of the following year. Each distributor shall submit to the
261 commissioner a copy of labels and any advertising literature for each

262 agricultural liming material with the registration application.

263 (b) A distributor shall not be required to register any brand of
264 agricultural liming material already registered under this section by
265 another person, provided the label does not differ in any respect.

266 Sec. 15. (NEW) (a) The following information shall appear on the
267 face or display side of any package or container of any agricultural
268 liming material, in a conspicuous manner, on a plainly printed,
269 stamped or otherwise marked label, tag or statement or, in the case of
270 bulk sales, a delivery slip: (1) The name and principal office address of
271 the manufacturer or distributor; (2) the brand of the material; (3) the
272 type of the agricultural liming material; (4) the net weight of the
273 agricultural liming material; (5) the minimum percentage of calcium
274 oxide and magnesium oxide or calcium carbonate and magnesium
275 carbonate; (6) the calcium carbonate equivalent as determined by
276 methods prescribed by the Association of Official Analytical Chemists
277 International; and (7) the minimum percentage of such material that
278 will pass through U.S. Standard sieves as prescribed by regulations
279 adopted by the commissioner in accordance with the provisions of
280 chapter 54 of the general statutes.

281 (b) No information or statement may appear on any package, label,
282 delivery slip or advertising matter that is false or misleading to the
283 purchaser as to the quality, analysis type or composition of
284 agricultural liming material.

285 (c) In the case of any material that has been adulterated subsequent
286 to packaging, labeling or loading and before delivery to the consumer,
287 a plainly marked notice to that effect shall be affixed by the vendor to
288 the package or delivery slip to identify the kind and degree of such
289 adulteration.

290 (d) At any site from which agricultural liming materials are
291 delivered in bulk and at any site where consumer orders for bulk
292 deliveries are placed, there shall be conspicuously posted a copy of the
293 statement required by this section for each brand of material.

294 Sec. 16. (NEW) Not later than thirty days following the expiration of
295 registration under section 15 of this act, each registrant shall submit on
296 a form furnished or approved by the commissioner an annual
297 statement setting forth, by county, the number of tons of each
298 agricultural liming material sold for use in the state during the
299 previous twelve-month period.

300 Sec. 17. (NEW) (a) The commissioner or the commissioner's
301 designee shall sample, inspect, make analyses of and test agricultural
302 liming materials distributed within this state at any time and place to
303 such extent as is deemed necessary to determine whether such
304 materials are in compliance with the provisions of sections 14 to 24,
305 inclusive, of this act. The commissioner or the commissioner's designee
306 may enter upon any public or private premises or carriers during
307 regular business hours in order to have access to (1) such materials
308 subject to the provisions of sections 14 to 24, inclusive, of this act and
309 any regulations adopted under said sections 14 to 24, inclusive, and (2)
310 any records relating to the distribution of such materials.

311 (b) The methods of analysis and sampling shall be those approved
312 by the director and derived from authoritative sources including, but
313 not limited to, the Association of Official Analytical Chemists
314 International.

315 (c) The results of official analyses of agricultural liming materials
316 shall be distributed by the director.

317 Sec. 18. (NEW) (a) No agricultural liming material may be sold or
318 offered for sale in this state unless it complies with provisions of
319 sections 14 to 24, inclusive, of this act.

320 (b) No agricultural liming material may be sold or offered for sale in
321 this state if: (1) It contains any deleterious or harmful agent in
322 sufficient amount to render it injurious to beneficial plant or animal life
323 when applied in accordance with directions for use on its label or if
324 adequate warning statements and directions for use that may be
325 necessary to protect beneficial plant or animal life are not on the label;

326 or (2) any information or statement appears on any package, label,
327 delivery slip, ticket, invoice or advertising matter that is false or
328 misleading to the purchaser as to the quality, analysis, composition or
329 commercial value of the agricultural liming material.

330 Sec. 19. (NEW) The commissioner may issue and enforce an order to
331 the owner or custodian of any lot of agricultural liming material to
332 stop the sale or use of such material and to hold such material at a
333 designated place when the commissioner finds such material is being
334 offered for sale in violation of any of the provisions of sections 14 to 24,
335 inclusive, of this act. The commissioner may rescind such order in
336 writing when such provisions have been complied with and all costs
337 and expenses incurred in connection with complying with the order
338 have been paid. The distributor shall be entirely responsible for any
339 costs associated with such order and shall assume all liability for
340 distribution of liming materials deemed adulterated.

341 Sec. 20. (NEW) The Commissioner of Agriculture may cooperate
342 with and enter into agreements with governmental agencies of this
343 state, other states, agencies of the federal government and private
344 associations in order to carry out the purposes and provisions of
345 sections 14 to 24, inclusive, of this act.

346 Sec. 21. (NEW) The commissioner may revoke or suspend the
347 registration of, or refuse to issue a registration to, any person who has
348 wilfully violated any of the provisions of sections 14 to 24, inclusive, of
349 this act.

350 Sec. 22. (NEW) The Commissioner of Agriculture may adopt
351 regulations, in accordance with the provisions of chapter 54 of the
352 general statutes, to carry out the provisions of sections 15 to 24,
353 inclusive, of this act. Such regulations may include provisions
354 regarding sampling, analytical methods, minimum percentages,
355 agricultural liming material ingredients, exempted materials,
356 investigational allowances, definitions, records, labels or labeling,
357 liability bonds, misbranding, mislabeling and the distribution of

358 agricultural liming materials. In the interest of uniformity, the
359 commissioner may adopt in such regulations, unless the commissioner
360 determines that they are not appropriate to conditions that exist in this
361 state, the official definitions of agricultural liming material ingredients,
362 official regulations and the official agricultural liming material terms
363 adopted by the Association of American Plant Food Control Officials
364 and published in its official publication and may incorporate by
365 reference any other provisions that the association adopts for the
366 regulation of agricultural liming materials.

367 Sec. 23. (NEW) Notwithstanding the provisions of sections 13 to 22,
368 inclusive, of this act, registrants may sell or use existing inventories of
369 liming materials until July 1, 2001.

370 Sec. 24. (NEW) Any person who violates section 14 or 15 of this act
371 shall be assessed a civil penalty in an amount not to exceed one
372 thousand dollars for each violation. Any person who violates section
373 18 of this act, or an order issued under section 19 of this act, shall be
374 assessed a civil penalty in an amount not less than one thousand
375 dollars or more than two thousand five hundred dollars for each
376 violation. The Attorney General, upon complaint of the commissioner,
377 shall institute a civil action to recover such penalty in the superior
378 court for the judicial district of Hartford. All actions brought by the
379 Attorney General shall have precedence in the order of trial as
380 provided in section 52-191 of the general statutes. The Superior Court,
381 in an action brought by the Attorney General at the request of the
382 commissioner shall have jurisdiction to restrain a continuing violation
383 of said sections and to issue orders directing that the violation be
384 corrected or removed.

385 Sec. 25. This act shall take effect July 1, 2000.

Statement of Legislative Commissioners:

In sections 2 and 14 "of the application" was added after "approval" for clarity. In section 3(a) "considered to be the label" was reworded for clarity and the last sentence of subsection (a) was deleted as duplicative of subsection (b). In subdivision (5) of section 4, "and" was

changed to "or" for accuracy. In sections 12 and 22 "may adopt" was changed to "adopts" for clarity.

ENV Committee Vote: Yea 23 0 JFS C/R JUD

JUD Committee Vote: Yea 40 0 JFS-LCO